

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-009-0006

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele for defendant Jenny R. Abeyta, and as grounds states as follows:

1. Defendant Jenney R. Abeyta is deceased. Title to the land and water rights under this subfile has been transferred to Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele by Personal Representative Deed dated January 3, 2006.

WHEREFORE the State requests the Court to enter its order substituting Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele for defendant Jenny R. Abeyta in these proceedings.

Dated: November 12, 2006

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer

P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on November 12, 2006:

Sherry J. Abeyta
1550 Steele St.
Denver, CO 80013

Mark D. Abeyta
2013 Cheyenne Ave.
Loveland, CO 80538

Gale A. Abeyta
915 East 6th St.
Loveland, CO 80537

Darlene A. Manuele
16918 East Eldorado Circle
Denver, CO 80013

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville